

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

Michelle Fiscus, M.D., FAAP)
Plaintiff,) Case No.
v.)
Commissioner Lisa Piercey,)
Tennessee Dept. of Health)
(in her individual and official capacities))
Chief Medical Officer Tim Jones)
Tennessee Dept. of Health)
(in his individual and official capacities))
Defendants.) JURY DEMAND

DECLARATION OF MICHELLE FISCUS, M.D., FAAP

Plaintiff, Michelle Fiscus, M.D., FAAP, makes this Declaration in accordance with 28 U.S. Code § 1746 under penalty of perjury in support of her Complaint.

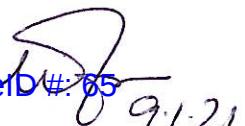
1. I am Michelle Fiscus M.D. I am a physician duly licensed to practice medicine in the State of Tennessee. I have personal knowledge of the matters stated herein.
2. Until July 12, 2021, I served as the Medical Director of the State of Tennessee's Vaccine-Preventable Diseases and Immunization Program.
3. On July 7, 2021, I received a package from Amazon at my state office located at 710 James Robertson Parkway in Nashville, Tennessee.
4. This package contained a dog muzzle.



5. I did not order this muzzle from Amazon and I do not know who ordered the muzzle from Amazon.
6. On July 7, 2021, an investigation was opened by the Tennessee Department of Homeland Security out of concerns the sender of this muzzle could be a threat to my safety.
7. I fully cooperated with this investigation. On July 8, 2021, I told the investigator for Tennessee Department of Homeland Security, Mario Vigil, that I did not order the muzzle and I showed the investigator my order history on my Amazon account.
8. On July 12, 2021, I was terminated from job.
9. As my Complaint correctly sets forth, I was wrongfully terminated and was not given any opportunity to clear my name to dispel the false and defamatory allegations that were a pretext to fire me.
10. Subsequent to my firing and nearly one month since my last communication with anyone from the Tennessee Department of Homeland Security, on August 16, 2021, I became aware through a news article that the Tennessee Department of Homeland Security had concluded its investigation.
11. The news article included a redacted copy of the investigative report, and it was the first time I received notification of any kind that the investigation had concluded.

12. The redacted report stated that the dog muzzle I received on July 7, 2021, had been purchased by means of a “second” Amazon account that had been set up using a phone number through “TextNow, Inc.”
13. The redacted report further stated that the order for the muzzle on this “second” Amazon account was charged to my American Express credit card even though the billing address for the card was incorrectly listed (on the “second” Amazon account) as my office address.
14. I did not set up or cause to be set up this “second” Amazon account and the charge to my American Express account for the dog muzzle was unauthorized, fraudulent, and without my knowledge.
15. Prior to learning of the Tennessee Homeland Security report, I had no knowledge that a second Amazon account had been set up or that my AMEX account had been charged for this dog muzzle.
16. I have made a formal fraud report to American Express and Amazon to investigate who set up this second Amazon account and who ordered the dog muzzle and fraudulently charged it my AMEX account.
17. I have also requested that the Metropolitan Nashville Davidson County police investigate this fraudulent purchase. That investigation is underway at the time of this filing.
18. Since that investigation began, I have learned that the AMEX card that was used to purchase the muzzle was cancelled on May 27, 2020, over one year earlier, because the card was lost.

19. I have also learned from AMEX that merchants like Amazon are able to charge a cancelled credit card if the card was previously used for recurring charges with that merchant, as my AMEX was with Amazon.
20. The State of Tennessee and Mario Vigil's report did not mention that, in addition to my current AMEX credit card, the account history on my primary (actual) Amazon account contains multiple different AMEX card numbers that have been issued over the years.
21. The State of Tennessee and Mario Vigil's report did not mention that the credit card used to purchase the muzzle on July 1, 2021, had been canceled 400 days earlier, on May 27, 2020. And the report did not mention that that credit card—the one used to purchase the muzzle—had been canceled because it was lost.
22. In an effort to investigate the circumstances and events surrounding my firing and the unsettling receipt of a dog muzzle prior to my firing, my attorneys filed formal records requests under the Tennessee Open Records act seeking emails and texts from persons who may have knowledge of these facts and events.
23. Rather than producing the records or waiving any charges to obtain these records, the information was withheld unless a charge of \$654,241.95 was paid in advance.
24. I have suffered damages and injury to my reputation as a result of my wrongful termination and the false statements and implication that I purchased the muzzle myself.

A handwritten signature in blue ink, appearing to read "S J 9.1.21".

25.I am suing for the due process right to clear my name (via a name clearing hearing) and for “stigma plus” — defamatory statement in connection with the loss of my employment.

26.I declare under penalty of perjury that the foregoing is true and correct.

Executed on Sept 1, 2021

Michelle Fiscus ^{MD}

Michelle Fiscus, M.D.